

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:

GLENN ERWIN ROSE
JOSIE MARIE ROSE

CASE NO: 08-70209-HDH-13

HEARING DATE: 2/17/2010

HEARING TIME: 11:00 AM

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Trustee's Motion to Dismiss Case with Prejudice in accordance with 11 U.S.C. 1307(c), Rule 9014, Rule 1017(f)(1), and General Order 2009-03 and would respectively show unto to the Court as follows:

Debtor is in material default of the most recent confirmed plan or modified plan per 11 U.S.C. 1307(c). The most recent confirmed plan or modified plan required the Debtor(s) to pay \$1,035.00 per month beginning 7/2/2008. The total amount paid to the Trustee is \$36,027.92 and the total amount in arrears is \$2,178.84 through January 2010.

Certified funds must be delivered to the following address to cure this default:

**Standing Chapter 13 Trustee
PO Box 94210
Lubbock, TX 79493**

This motion is filed with prejudice due to prior case filings.

WHEREFORE, the Trustee prays that this Chapter 13 case be dismissed with prejudice per 11 U.S.C. 1307(c).

Respectfully submitted,

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

A HEARING WILL BE HELD 2/17/2010 AT 11:00 AM AT THE FOLLOWING ADDRESS:

VIDEO: US COURTHOUSE ROOM 208, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE SHALL BE HELD AT THE SAME LOCATION AT 08:30 AM ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Dismiss was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

GLENN ERWIN ROSE & JOSIE MARIE ROSE 608 WOODS STREET WICHITA FALLS TX 76301

MONTE J WHITE ATTORNEY AT LAW 1106 BROOK AVE HAMILTON PLACE WICHITA FALLS TX 76301

WILLIAM T NEARY UNITED STATES TRUSTEE 1100 COMMERCE STREET RM 976 DALLAS TX 75242

GIBSON HOTCHKISS ROACH & DAVENPORT 807 8TH ST 8TH FLOOR WICHITA FALLS TX 76301

RECOVERY MANAGEMENT SYSTEMS CORP 25 SE 2ND AVENUE STE 1120 MIAMI FL 33131

PITE DUNCAN LLP 525 E MAIN STREET PO BOX 12289 EL CAJON CA 92022

BARRETT DAFFIN FRAPPIER TURNER & ENGEL LLP 1900 ST JAMES PLACE SUITE 500 HOUSTON TX 77056

PITE DUNCAN LLP 4375 JUTLAND DRIVE SUITE 200 SAN DIEGO CA 92117

Date: 1/12/2010

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee